



File No. F0239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Application of: **Joseph L. Molino, et al.**

U.S. Application Serial No. **10/670,353**

Filed: **September 26, 2003**

Group Art Unit: **3738**

Examiner:

For: **Prosthetic Device**

**Assistant Commissioner for Patents
Washington, D.C. 20231**

Dear Sir:

**TRANSMITTAL OF
INFORMATION DISCLOSURE STATEMENT**

In compliance with the duty of disclosure under 37 CFR 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on the attached form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents are enclosed for the convenience of the Examiner.

Applicants want to inform the Patent Office about their co-pending U.S. Patent Application S.N. 10/278,361, filed October 23, 2002.

German Patent Publication DE 693 12771 T2 discloses a hydraulic unit which can be associated with a prosthetic device. The unit 1 consists of a substantially hollow cylinder 3 having an interior space adapted to receive a hydraulic fluid. A piston 5 is movably positioned within the interior of the piston 3 and is formed with a connecting rod 6 extending outwardly therefrom. It should be absolutely clear to a person of ordinary skill in the present art that this German Publication does not disclose a prosthetic knee cage consisting of a base unit formed by spaced from each other first and second side members interconnected by a connecting element so as to form an operational channel therebetween and having a platform adapted for pivotal cooperation with the base unit and an adjustment device for adjusting of pivotal movement of the platform relative to the base unit.

Furthermore, the German Patent Application DE 693 12 771 does not disclose a prosthetic device of the invention formed with a hydraulic cylinder and gas cylinder formed with respective cooperation of a prosthetic leg.

German Patent Publication DE 196 21 034 A1 discloses a pneumatic prosthetic device consisting of a cylinder 4 having a cylinder 4 with plunger 39, 22. An upper shaft element 21 and a lower shaft element 23 extend outwardly from the plunger and the shaft elements are adapted for movement within the interior spaces 40, 41 of the cylinder 4.

Applicants respectfully consider that this German Patent Publication does not disclose a prosthetic knee cage consisting of a base unit formed by a spaced from each other first and second side members interconnected by a connecting element, a platform adapted for pivotal cooperation with the base unit and an adjustment device for adjustment of pivotal movement of the platform relative to the base unit.

Applicants also respectfully consider that the German Publication

DE 196 21 034 A1 does not disclose the prosthetic device of the invention which is formed with a hydraulic cylinder having a hydraulic piston and a gas cylinder independent from the hydraulic cylinder and having a gas piston movably disposed thereinside and further comprising first and second connecting elements movably associated with an upper prosthetic limb member, whereby the hydraulic and gas chambers are responsive to operation of the prosthetic leg.

German Patent Publication G 94 05 545.9 also discloses an arrangement associated with a prosthetic device which consists of a housing 1 having a substantially hollow interior space 9, 10 which is adapted to movably receive a piston 7, 8. A spring 22 is interposed between the piston and the lower space of the cylinder. In the opinion of the applicants there is no disclosure of the prosthetic knee cage of the invention as discussed hereinabove. Furthermore, applicants respectfully consider that this German Patent Publication does not teach the prosthetic device which is formed with the hydraulic and gas cylinders wherein the hydraulic cylinder is formed with a first connecting element and the gas piston is formed with a second connecting element, whereby the first and second connecting elements are movably associated with the upper prosthetic limb member and the hydraulic and gas chambers are responsive to the operation of the prosthetic leg.

German Patent Publication DE 44 10 730 C1 also discloses an arrangement associated with a prosthetic device which consists of a cylinder having a substantially hollow inner space 15 with a piston 14 movable thereinside. In the opinion of the Applicants this German document does not disclose the prosthetic knee cage and the prosthetic device of the invention as discussed hereinabove.

German Patent Publication DE 42 33 247 A1 similar to the above discussed publications teaches an arrangement associated with a prosthetic device. This

arrangement consists of a cylindrical housing with a substantially hollow interior space and is formed with a piston-like element disposed thereinside.

In the opinion of the Applicants this German Patent Publication does not disclose a prosthetic device of the invention consisting of an upper prosthetic limb member; a lower prosthetic limb member; a hydraulic cylinder having a hydraulic piston movably disposed thereinside and having a first connecting element extending outwardly from a hydraulic piston; a gas cylinder which is independent from the hydraulic cylinder and having a gas piston movably disposed thereinside with a second connecting element extending outwardly from the gas piston, wherein the first and second connecting elements are being movably associated with the upper prosthetic limb member, whereby the hydraulic and gas chambers are responsive to operation of the prosthetic leg.

German Patent Application DE 43 05 213 A1 which teaches the dampening arrangement for the prosthetic device clearly in the opinion of the Applicants does not disclose the prosthetic device of the invention as discussed hereinabove and consisting of hydraulic and gas cylinders formed with hydraulic and gas chambers which are responsive to operation of the prosthetic leg. Furthermore, there is no disclosure in this reference of the prosthetic knee cage of the invention.

International Patent Application WO 92/22267 discloses an orthopedic prosthesis joint with a pneumatic cylinder and electromagnetic flexion locking. This device consists of a first hydraulic cylinder 1 which regulates the flexion and extension of the joint through adjustable non-return valves 7 and 8 situated on the external circulation of fluid 9. A second pneumatic cylinder 2 associated with the first cylinder has the function of dampening an end of the stroke by means of compressed air. Electrovalve 10 and 22 controlled by front and rear contacts at the stop of prosthetic allows to lock the joint in the flexion phase. Applicants respectfully consider that this International Patent Application

does not disclose a first connecting element extending outwardly from the hydraulic piston; a second connecting element independent from the first connecting element and extending outwardly from the gas piston, whereby the first and second connecting elements are movably associated with the upper prosthetic limb member and the hydraulic and gas chambers are responsive to the operation of the prosthetic leg.

This International Application also does not teach the prosthetic knee cage as disclosed in the application.

As to German Patent Publication DE 36 03 467 A1, it discloses another hydraulic/pneumatic arrangement. Again, in the opinion of the Examiners there is no disclosure in this publication of the prosthetic device consisting of a hydraulic cylinder having a hydraulic piston and a first connecting element extending from the hydraulic piston; a gas cylinder independent from the hydraulic cylinder and having a gas piston with a second connecting element, wherein the first and second connecting elements are independent from each other and movably associated with upper prosthetic limb member. This German Patent Publication also does not teach the prosthetic knee cage of the invention.

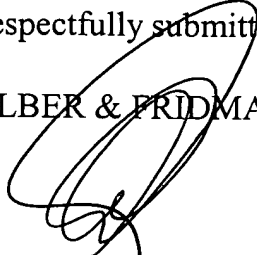
As clearly appear from the drawing of the German Patent Application 1,906,284 there is no disclosure in this document of the prosthetic device and the knee cage as discussed hereinbelow.

German Patent Application 1,075,277 also does not disclose the prosthetic device as well as the knee cage of the invention. The same argument is applicable to the German Patent Publication 724959.

In accordance with 37 CFR 1.56(a), this Disclosure Statement is not to be construed as a representation that no other possibly material information as defined in 37 CFR 1.56(a) exists.

Respectfully submitted,

SILBER & FRIDMAN



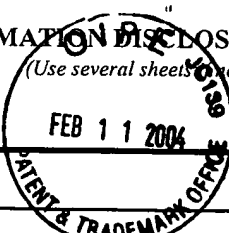
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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

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Docket Number (Optional)

F0239

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10/670,353

Applicant(s)

Joseph L. Molino, et al.

Filing Date

09/26/2003

Group Art Unit

3738

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------------|-----------------|-------|----------|-------------------------------|
| | | 6,187,052 | 02/13/2001 | Molino, et al. | | | |
| | | 5,779,735 | 07/14/1998 | Molino | | | |
| | | 5,405,409 | 04/11/1995 | Knoth | | | |
| | | 5,376,137 | 12/27/1994 | Shorter, et al. | | | |
| | | 5,092,902 | 03/03/1992 | Adams, et al. | | | |
| | | 2,605,474 | 08/05/1952 | Oliver | | | |
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FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----|------------------|------------|---------------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | GB 2 331 018 B | 09/29/1999 | Great Britain | | | | |
| | | DE 693 12 771 T2 | | Germany | | | | |
| | | DE 196 21 034 A1 | | Germany | | | | |
| | | G 94 05 545.9 | | Germany | | | | |
| | | DE 44 10 730 C1 | | Germany | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|--|-----|-----------------|------|---------------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | DE 42 33 247 A1 | | Germany | | | | |
| | | DE 43 05 213 A1 | | Germany | | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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(also form PTO-1449)

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